

**ANNUAL REPORT
OF THE
COMMITTEE ON DISCOVERY PROCEDURES
TO THE ILLINOIS JUDICIAL CONFERENCE**

Hon. Joseph N. Casciato, Chairperson

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October 2003

I. STATEMENT ON COMMITTEE CONTINUATION

The goals of the Committee on Discovery Procedures (“Committee”) include streamlining discovery procedures, increasing compliance with existing rules, and eliminating loopholes and potential delay tactics. To accomplish these goals, the Committee continues to research significant discovery issues and respond to discovery-related inquiries. Because the Committee continues to provide valuable expertise in the area of civil discovery, the Committee respectfully requests that it be continued.

II. SUMMARY OF COMMITTEE ACTIVITIES

During the Conference year, the Committee considered proposed amendments to Supreme Court Rules 237, 204, and 206.

A. Supreme Court Rules Committee’s Proposal to Amend Supreme Court Rule 237(c)

This proposal would amend Rule 237 by adding a paragraph requiring the appearance of certain individuals and the production of certain documents at expedited hearings. The Supreme Court Rules Committee forwarded this proposal to the Committee for its review and recommendation. The Committee raised questions about the scope of an expedited hearing. The Committee expressed concern about using an expedited hearing as a discovery tool. The Committee also expressed concern about compelling an officer, director or employee of a party to appear for an expedited hearing with very little notice. The Committee agreed that expedited hearings generally occur in the context of domestic relations cases. The Committee therefore agreed to the proposed change provided that it is limited to a party and to domestic relations cases.

B. Supreme Court Rules Committee’s Proposal to Amend Supreme Court Rule 204(d)

This proposal would amend Rule 204 by creating a paragraph to address deposition fees for an independent expert witness. The Supreme Court Rules Committee forwarded this proposal to the Committee for its review and recommendation. The Committee raised questions about the definition of fee and independent expert and the rationale behind the proposed change. The Committee decided to forward its inquiries to the Supreme Court Rules Committee for further clarification on the proposed changes.

C. Committee’s Proposal to Amend Supreme Court Rule 206(c)

This proposal would amend Rule 206(c), which concerns the method of taking depositions on oral examination, by eliminating objections, except as to privilege, in discovery depositions, and by requiring that objections in evidence depositions be concise and state the exact legal basis for the objection. The reconsideration of this proposal arose out of Committee discussions that the current Rule 206 did not address the type of objections that are permissible at a discovery deposition. The

discussion centered on whether objections at a discovery deposition merely slow the process or whether they are necessary as a means of protecting a witness. The Committee decided to table this proposed amendment for future discussion given that the current rules address any egregious behavior that might arise at a discovery deposition.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2004 Conference year, the Committee plans to discuss the disclosure of medical records under "HIPAA" through the creation of a uniform court order. The Committee also will review any proposals submitted by the Rules Committee.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.